

Mr Potter moved the previous question—lost, by the following vote.

YEA—Messrs Bryan, Burroughs, Caldwell, Grimes, Hill, Maverick, Palmer, Potter, Scarborough, Taylor of Cass, Taylor of Fannin, Taylor of Houston, and Fruit—13

NAY—Messrs Allen, Armstrong, Doane, Flanagan, Guinn, Lott, McCulloch, Martin, Millican, Pedigo, Pirkey, Russell, Weatherford and White—14.

Mr Lott offered the following amendment:

“And that the further sum of one hundred thousand dollars be appropriated for boring Artesian Wells at proper places on said rivers, where the water dries up or disappears in the fall season.”

On motion of Mr Burroughs, laid on the table.

Mr Taylor of Cass, offered the following amendment:

“And the sum of fifteen thousand dollars is hereby appropriated for the improvement of Red River above the Arkansas line.”—adopted.

Mr Hill offered the following amendment:

“That the sum of five thousand dollars be appropriated for the improvement of the bar at the mouth of the Lavaca river, and a board of Commissioners be appointed as in other cases”—adopted.

Mr Armstrong offered the following amendment:

“That fifteen thousand dollars of the money appropriated for the Brazos river shall be expended above the town of Washington.”

On motion of Mr Doane, the Senate adjourned until 10 o'clock to morrow morning.

FRIDAY, JAN. 11, 1856.

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Mr Hill, chairman of the committee on Claims and Accounts, made the following reports:

The committee on Claims and Accounts, to which was referred the petition of Juan Delgado, asking pay for ten horses taken from him in Feb'y, 1836, by Lieut. Keting, for the use of the Texas army under Col. Fannin, have considered the same and recommend that his claim be allowed for the ten horses at \$20 each, amounting to two hundred dollars. They therefore report the accompanying bill, and recommend its passage:

“A bill for the relief of Juan Delgado;” read first time.

The committee on Claims and Accounts, to which was referred a "bill for the relief of Rob't F. Howell and Ezekiel Thomas," have had the same before them, and instruct me to report that they have not yet acted upon the claim of Rob't F Howell, but have laid the same over for additional evidence. They find, from the evidences exhibited to them, that the heirs of Ezekiel Thomas are entitled to payment for one hundred and twenty five head of cattle, used by the army of Texas during the time of their encampment near the battle-ground of San Jacinto, which was near one month. The claim presented is for \$1,375, which your committee, upon the evidence before them, thought proper to reduce to \$800. They therefore report a substitute for the original bill, for the relief of the heirs of Ezekiel Thomas and recommend its passage.

Mr Pirkey, from the committee on the Judiciary, to which was referred "a bill concerning the separate land district of Henderson county," reported a substitute therefor, recommending its adoption and passage.

Mr Pirkey, from the committee on Public Lands, made the following report:

The committee on Public Lands, to which was referred "a bill concerning surveys," have had the same under consideration and return it, recommending its indefinite postponement.

The committee are of opinion that the Act requiring surveys to be returned before the 31st of August, 1853, (and which it is proposed to repeal,) worked some inconvenience and hardship at the commencement of its operation, but believe these evils have ceased, and that the law is now salutary in its effects—producing a regular return of field notes, and lessening the power to commit fraud by surveyors and locators.

Mr Taylor, of Cass, chairman of the committee on Public Debt, submitted the following report:

The committee on Public Debt have for some time had under advisement and consideration the petition of Com. E W Moore, late of the Texas navy. The committee have found it very difficult to satisfy even themselves as to the merits of the petitioner's claim. From a full investigation we find the facts or be about as follows: The Legislature of 1848, had or made with Com. Moore a partial settlement, by which he received eleven thousand dollars. This settlement, it appears from the report of the House Committee of 1848, (of which Hon. M. M. Potter was chairman,) was based upon vouchers, then in the Comptroller's office, commencing in Dec., 1841, and running to July, 1843. The petitioner then alleging that there were many other vouchers, anterior to those, which he was unable to

procure—that they had been sent to the seat of Government, and that upon the removal of the archives from Austin they, with many other papers, were boxed up and never opened until the Auditor was appointed in 1848, which was after the settlement before alluded to. Those vouchers are now in the Auditor's office, and upon examination of them we find no discrepancy. The committee have endeavored to re-investigate all of the claims, and make up to the best of their ability a full and final settlement. The petitioner, in his account, claims that Texas owes him some twenty-two thousand dollars, but to make this amount he claims ten thousand dollars for the steamship Merchant, which he asserts to have been lost in the service of Texas in 1842. For this claim we find no vouchers, sufficient to warrant us in recommending the payment. He also claims as balance pay for services six thousand dollars. This the committee is unwilling to recommend, as they are not satisfied that it is due him; and he further claims one per cent upon his disbursements, as there was no navy agent. In this there seems to be merit—but as we are not fully satisfied as to its justice, we have declined using it in making up the settlement. The remainder of the twenty-two thousand dollars claimed is made up in advances in money—and the amount of thirteen hundred and ninety-six dollars, which was paid by him, on certain pay tickets due seamen, who had been discharged from the Texas navy, the committee feel well satisfied that there is due the petitioner for money advanced, aside from thirteen hundred and eighty dollars for pay tickets, the amount of \$5,290, for the payment of which they herewith report a bill for his relief, and recommend its passage. They also report a bill authorising the Comptroller to audit and allow the pay tickets to E. W. Moore, and hope that it may be passed. In this investigation we have endeavored to guard well the interests of the State, at the same time to do justice to an old and well tried officer, who, we believe, made sacrifices for the promotion of the interests of Texas at an early day, and who should have at least every dollar that is due him if no more.

A bill for the relief of E. W. Moore, and a bill directing the payment of certain public debt certificates; each read first time.

On motion of Mr Potter, the report and bill were made special order for Tuesday next, 15th inst.

Mr Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary Committee have considered a bill for the relief of John L. Clayton. The bill authorises the Commissioner of the Gen. Land Office to issue a certificate for one league and labor of land to said Clayton as assignee of Edmond Quirk. It

is in evidence before the committee, that on the 1st day of Feb., 1838, the Board of Land Commissioners for the county of San Augustine issued a headright certificate to Raymond Dailey; administrator of said Quirk dec'd, for one league and labor of land; that said Raymond Dailey sold this certificate within a few days after he received it—that said certificate was rejected by the Board of Travelling Land Commissioners under the Act of 1840—and was not established by suit in the District Court as provided for by said Act. There is no evidence before the committee of the administration of Dailey upon the estate of said Quirk, or of the legality of the sale of said certificates. From these facts the committee are of the opinion that the passage of the bill would be unjust in principle and unauthorised by law. This opinion is confirmed by the fact that the said decedent in his life-time received a grant of land, as the head of a family, from the Government of Coahuila and Texas, which fact is apparent from the evidence submitted.

Wherefore I am instructed by the committee to report said bill back to the Senate and to recommend its rejection.

The Judiciary Committee have considered a bill to validate certain acts of the Assessors and Collectors of taxes, appointed under an Act entitled "an Act to provide for the assessment and collection of taxes, approved May 13, 1846," and instruct me to report the accompanying substitute, recommending its adoption and the passage of the bill.

The Judiciary Committee have considered a "bill to legitimate the children of Nathan Halbert and Mary Clementine Bonerese," and return the same and recommend its passage.

Mr Whitaker, chairman of the committee on Private Land Claims, No. 2, made the following reports:

The committee on Private Land Claims, No 2, have examined the petition of Eli Dial and a bill for the relief of Francis M. White, both asking relief under a conditional certificate. The Boards have recently been opened, in which they might have established their claims, and on failure so to do the committee are of opinion that no relief should be granted.

The committee on Private Land Claims, No 2, have examined the petitions of Geo. W. Morgan and W. D. Morgan, administrators of Thos. J. Morgan, praying that a headright be granted them for services in the army of the late Republic of Texas. From the evidence submitted, there is no proof that the petitioners ever intended to become citizens of Texas. The committee, therefore, recommend therejection of their claims.

The committee on Private Land Claims, No 2, have examined the petition of Wm. Carleton, and direct me to recommend its rejection.

The committee on Private Land Claims, No 2, have considered the petition of H Fautharp, asking relief in favor of Sampson Kelly. The committee are satisfied, from the evidence adduced, that the said Kelly emigrated to Texas in 1829, within the colonial grant of S. F. Austin, and continued therein till his death in 1831, and therefore report the accompanying bill for the consideration of the Senate.

A bill for the relief of the heirs or legal representatives of Sampson Kelly—read first time.

Mr Pedigo introduced a bill to incorporate the Neches River Causeway Company; read first and second times and referred to the committee on the Judiciary.

Mr McCulloch introduced a bill to provide for the protection of the capitol—its furniture, books, stationery, &c., and to provide stationery, wood, &c., for the use of the Legislature; read first and second times and referred to the committee on Public Buildings; and

A bill to define the salaries of the Judges of the Supreme and District Courts of the State of Texas; read first and second times and referred to the committee on State Affairs.

Mr Bryan presented the petition of J W Copes; referred to the committee on Private Land Claims, No 1.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the House.

A bill to create and organize the 18th Judicial District, and to define the time of holding Courts therein.

A bill to permit certain persons of color to remain in the county of Harrison two years after the suit for their freedom now pending in said county shall have been determined—provided the suit is decided in their favor.

A bill to authorize and require certain suits pending in the counties of Hill and Ellis to be transferred to the county of Johnson.

A bill supplementary to an Act to incorporate the Sulphur Fork Turnpike company.

A bill to provide for the transfer and translation of a portion of the archives of Bexar county.

A bill to define the 4th Judicial District, and define the time of holding courts therein.

A bill to establish the western boundary line of Tyler county; and

A bill to provide for a special election for Judge of the 1st Judicial District.

ORDERS OF THE DAY.

A bill for the improvement of the navigation of the rivers of this State, taken up.

The question being on the adoption of Mr Armstrong's amendment offered yesterday, it was rejected.

Mr Guinn offered a bill for the improvement of the navigation of the Sabine river—Neches and Angelina rivers—and Trinity, Brazos and Colorado rivers, as a substitute for the original bill.

Mr Burroughs moved the previous question.

On motion of Mr Lott, a call of the Senate was ordered.

Absentees—Messrs Doane, Hord, Martin and Scarborough.

Mr Guinn moved a suspension of the call; lost.

The Senate being full, the main question was ordered by the following vote :

YEAS—Messrs Bryan, Burroughs, Flanagan, Hill, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor, of Cass, Taylor, of Fannin, Taylor, of Houston, Truit, Whitaker and White—18.

NAYS—Messrs Allen, Armstrong, Caldwell, Doane, Grimes, Guinn, Hord, Lott, Martin, Millican, Pirkey, Russell, Weatherford and Wren—14.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs Allen, Bryan, Burroughs, Caldwell, Hill, McDade, Martin, Maverick, Palmer, Pedigo, Potter, Scarborough, Superviele, Taylor, of Cass, Taylor, of Houston, Truit, Weatherford, Whitaker and White—19.

NAYS—Messrs Armstrong, Doane, Flanagan, Grimes, Guinn, Hord, Lott, McCulloch, Millican, Pirkey, Russell, Taylor, of F., and Wren—13.

On motion of Mr Hill, a bill providing for a special election for Judge of the 1st Judicial District was taken up and read first time.

On motion of Mr Potter, the rule was suspended and bill read second time.

Mr Potter offered the following amendments :

1st. In Sec. 1, first line after the word "elected," insert as follows : "and the person receiving such certificate shall thereupon, without further delay, be fully authorised and empowered to hold the District Courts of said district and to discharge all the duties of such office."

2d. Strike out the proviso to the 1st section.

3d. In 2d Section, second line after the word "law," insert "in relation to the election of District Judge of said first Judicial District;" adopted.

The bill was then passed to a third reading.

On motion of Mr Bryan, the rule was further suspended, bill read third time and passed.

On motion of Mr Taylor, of Cass, a bill to allow certain persons of color to remain in the county of Harrison two years after the suit for their freedom, now pending in said county, shall have been determined—provided the suit is decided in their favor—was taken up, read first time, the rule suspended, and bill passed to a third reading.

On motion of Mr Martin, the rule was further suspended, bill read third time and passed.

On motion of Mr Russell, the rule was suspended, and a bill for the relief of Mrs Elizabeth Crockett was taken up, read and ordered to be engrossed.

On motion of Mr McCulloch, the rule was suspended, bill read third time and passed unanimously.

On motion of Mr Palmer, "a bill for the relief of the creditors and colonists of the German Emigration Company, and to indemnify said company for lands given by the State to the colonists," was taken up and made special order for Monday next, the 14th inst.

On motion of Mr Millican, a bill to define the time of holding Courts in the 13th Judicial District was taken up and read first time.

Mr Armstrong moved a suspension of the rule—carried, and the bill read second time and passed to a third reading.

On motion of Mr Armstrong, the rule was further suspended; bill read third time and passed.

Mr Wren moved to reconsider the vote passing the bill for the relief of Mrs Elizabeth Crockett.

On motion of Mr Martin, the motion to reconsider was laid on the table.

On motion of Mr Allen, "a bill to amend an Act to incorporate the Memphis and El Paso Pacific Railroad Company" was taken up.

Mr Pirkey offered as a substitute for it, "a bill to incorporate the Memphis, El Paso and Pacific Railroad Company," which was adopted.

Mr Allen offered the following amendment, to come in at the end of Section 21st:

"Provided, that the provisions of this Act shall not be so construed as to interfere with the provisions of any Railroad charter heretofore granted by this State;" adopted.

Mr Martin offered the following amendment, to come in after Mr Allen's amendment:

"Or the location of the Mississippi and Pacific Railroad located on or near North latitude 32 degrees;" adopted.

On motion of Mr Taylor, of Fannin, the following proviso was annexed to the bill:

"Provided, that this Company shall not be entitled to any money now in the Treasury, as a loan from the State of Texas, unless hereafter granted by Legislative Act."

Mr Allen moved to amend by adding:

"Provided, that no patent shall issue, or title finally vest in said lands located by virtue of said certificates, for grading, until the completion of twenty-five miles of said road."

Mr McCulloch offered the following as a substitute for Mr Allen's amendment:

"Provided, no title shall be permanently vested in the Company or their assignees, to the land granted for the grading, as contemplated in this Act, until 25 miles of said road has been completed and put in running order"

Mr Weatherford moved to amend the substitute by striking out "25" and inserting "10"—lost and the substitute adopted.

The bill was then passed by the following vote:

YEAS—Messrs Allen, Armstrong, Bryan, Doane, Flanagan, Grimes, Gunn, Hord, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Pirkey, Potter, Taylor, of Cass, Taylor, of F, Taylor, of Houston, Weatherford, White and Wren—22.

NAYS—Messrs Whitaker and Burroughs—2.

A message was received from the House, informing the Senate of the appointment of Messrs Smith, of Harris, Williams, of Lamar, Junker, Dancy, and Darden, of Gonzales, a select committee to act in conjunction with a like committee from the Senate, on the memorial of Gen. Thos. J. Chambers.

On motion of Mr Doane, the Senate adjourned till 10 A. M. to-morrow.

SATURDAY, JAN. 12th, 1856.

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Mr Hill presented the petition of C P Flake, referred to the committee on private land claims no. 2.

Mr McCulloch presented the petition of John C Sheffield—referred to the committee on private land claims no. 2.

And the petition of the officers and members of Lodge No. 38, of the I. O. O. F.—referred to the committee on the Judiciary.